A WORD without-Doors

Concerning the

BILL

FOR

SUCCESSION.

SIR,

I Am very ſenſible of the great honour you were pleaſed to do me in your laſt, which I received immediately after our late unhappy Diſſolution; but could have wiſhed you would have laid your Commands on ſome more able perſon, to have given you ſatisfaction in the matter you there propoſe relating to the Duke, who, you ſeem to inſinuate, was like (if the Parliament had continued) to have received hard meaſure. I muſt ingenuouſly confeſs to you, I was not long ſince perfectly of your opinion, and thought it the higheſt injuſtice imaginable, for any Prince to be debar'd of his native Right of Succeſſion upon any pretence whatſoever. But upon a more mature deliberation and enqiry, I found my errour proceeded principally from the falſe notions I had took up of Government it ſelf, and from my ignorance of the practices of all Communities of men in all ages, whenever ſelf-preſervation and the neceſſity of their affairs obliged them to declare their opinion in caſes of the like nature: To the the knowledge of all which, the following Accident I ſhall relate to you, did very much contribute.

My occasions obliging me one day to attend the coming of a Friend in a Coffee-house near *Charing-cross*, there hapned to sit at the same Table with me two ingenious Gentlemen, who according to the frankness of Conversation now used in the Town, began a Discourse on the same subject you desire to be more particularly informed in; and having extolled the late House of Commons as the best number of men that had ever sat within those Walls; and that no House had ever more vigorously maintained and asserted English Liberty and Protestant Religion than they had done, as far as the nature of the things that came before them, and the circumstances of time would admit, (to all which I very readily and heartily assented:) They then added, That the great Wisdom and Zeal of that House had appeared in nothing more, than in ordering a Bill to be brought in for debarring the Duke of Y. from inheriting the Crown. A Law they affirmed to be the most just and reasonable in the world, and the only proper Remedy to establish this Nation on a true and solid Interest, both in relation to the present and future times.

To which I could not but reply, That I begged their pardon, if I differed from them in opinion; and did believe, that how honestly soever the House of Commons might intend in that matter, yet that the point of Succession was so sacred a thing, and of so high a nature, that it was not subjected to their cognizance: That Monarchy was of Divine Right: That Princes succeeded by nature and generation onely, and not by authority, admission, or approbation of the People; and consequently, that neither the merit or demerit of their persons, nor the different influences from thence upon the People, were to be respected or had in consideration; but the Common-wealth ought to obey and submit to the next Heir, without any further inquisition; and if he proved a worthy, vertuous, and just Prince, it was a great happiness; if unjust, barbarous, and tyrannical, there was no other remedy, but prayer, patience, and an entire submission to so difficult a dispensation of Gods Providence.

I had no sooner ended my discourse, but one of the Gentlemen (that was the most serious in the company) seeing me a young man, gravely replyed, That he could not but be extremely concerned to hear that such pernicious Notions against all lawful Government had been taught in the world: That he believed they were

were in me purely the effects of an University-Education; and that it had been my misfortune to have had a very high Churchman for my Tutor, who had endeavoured (as it was their constant practice to all young Gentlemen under their care) to debauch me with such principles as would enslave my mind to their Hierarchy and the Monarchical part of the Government, without any regard at all to the Aristocratical and Popular; and that fat Parsonages, Prebendships, Deanaries, and Episcopal Sees, were the certain and constant Rewards of such Services: That the place we were in, was a little too publick for discourses of this nature; but if I would accept of a Bottle of Wine at the next Tavern, he would undertake to give me juster measures; adding, It was pity so hopeful a Gentleman should be tainted with bad Principles. My Friend coming in at the same time, proved to be one of their particular Acquaintance; and both he and I readily complied with so generous a motion.

We had no sooner drank a Glass round, but the old Gentleman was pleased to renew his discourse, and said, It was undoubtedly true, that the inclination of Mankind to live in company (from whence come Towns, Cities, and Common-wealths) did proceed of Nature, and consequently of God, the Author of Nature. So likewise Government, and the Jurisdiction of Magistrates in general (which does necessarily flow from the living together in society) is also of Nature, and ordained by God for the common good of Mankind; but that the particular species and forms of this or that Government, in this or that manner, to have many, few, or one Governour; or that they should have this or that Authority, more or less, for a longer or a shorter time; or whether ordinarily by Succession or by Election, all these things (he said) are ordained and diversified by the particular positive Laws of every Country, and are not establisht either by Law Natural or Divine, but left by God unto every Nation and Country, to pitch upon what form of Government they shall think most proper to promote the common Good of the whole, and best adapted to the natures, constitutions, and other circumstances of the People; which accordingly for the same reasons may be altered or amended in any of its parts, by the mutual consent of the Governours and governed, whenever they shall see reasonable cause so to do: all which appears plainly, both from

the diversity of Governments extant in the world; and by the same Nations living sometimes under one sort of Government, and sometimes under another. So we see God himself permitted his peculiar People the *Jews* to live under divers forms of Government; as first under Patriarchs, then under Captains, then under Judges, then under High-Priests, next under Kings, and then under Captains and High-Priests again, until they were conquered by the *Romans*, who themselves also first lived under Kings, and then Consuls; whose authority they afterwards limitted by a Senate, by adding Tribunes of the people; and in extraordinary emergencies of the Common-wealth, they were governed by Dictators, and last of all by Emperours. So that it's plain, no Magistrate has his particular Government, or an Interest of Succession in it, by any Institution of Nature, but onely by the particular Constitution of the Common-wealth within it self. And as the kinds of Government are different, so also are the measures of Power and Authority in the same kind, in different Countries.

I shall begin (said he) with that of the *Roman* Empire, which though it be the first in dignity amongst Christian Princes, yet it is so restrained and limited by the particular Laws of the Empire, that he can do much less in his State, than other Kings in theirs. He can neither make War, nor exact any Contribution of Men or Money, but by the consent of all the States of the *German* Diet: And as for his Children and Relations, they have no interest or pretence to succeed, but onely by Election, if they shall be thought worthy. Nay, the chiefest Article the Emperour swears to keep at his admission to that Honour, is, That he shall never endeavour to make the Dignity of the Empire Hereditary to his Family.

In *Spain* and in *France* the Priviledges of Kings are much more eminent, both in Power and succession; their Authority is more absolute, every Order of theirs having the validity of a Law, and their next of bloud does ordinarily inherit, though in a different manner. In *Spain* the next Heir cannot succeed, but by the approbation of the Nobility, Bishops, and States of the Realm. In *France* the Women are not admitted to succeed, let them be never so lineally descended. In *England* our Kings are much more limited and confined in their Power, than either of

the

the two former; for here no Law can be made, but by consent and authority of Parliament; and as to the point of Succession, the next of kin is admitted, unless in extraordinary cases, and when important Reasons of State require an alteration: And then the Parliaments of *England* (according to the ancient Laws and Statutes of the Realm) have frequently directed and appointed the succession of the Crown in other manner than in course it would have gone; of which I shall give you some Examples in order.

But first let us look abroad, and see how things have been carried, as to this point, in other Countries.

Amongst the *Jews*, the Laws of Succession did ordinarily hold; and accordingly *Rehoboam*, the lawful Son and Heir of *Solomon*, after his Fathers decease, went to *Sichem* to be crowned and admitted by the People: and the whole body of the people of *Israel* being there gathered together, did (before they would admit him their lawful King) make unto him certain Propositions for taking away some heavy Taxes that had been imposed on them by his Father *Solomon*; which he refusing to gratifie them in, and following the advice of young men, ten of the Twelve Tribes immediately chose *Jeroboam*, a Servant of *Rehoboam*'s, a meer stanger, and of mean Parentage, and made him their King; and God approved thereof, as the Scriptures in express words do testifie: for when *Rehoboam* had raised an Army of One hundred and fourscore thousand men, intending by force of Arms to have justified his Claim, God appeared unto *Semajah*, and commanded him to go to *Rehoboam*, and to the House of *Judah* and *Benjamin*, saying, *Return every man to his house, for this thing is of me, saith the Lord.* So that since God did permit and allow this in his own Commonwealth, which was to be the Pattern for all others, no doubt he will approve the same in other Kingdoms, whenever his service and glory, or the happiness of the Weal-publick shall require it.

The next Instance I shall give you, shall be in *Spain*, where *Don Alonso de la Cerda* having been admitted Prince of *Spain* in his Father's life-time (according to the custom of that Realm) married *Blancha*, Daughter of *Lewis* the first King of *France*, and had by her two Sons named *Alonso* and *Hernando de la Cerda*; but their Father (who was only Prince) dying before *Alonso* the ninth then King, he recommended them to the Realm as lawful Heirs appa-

apparent to the Crown: But Don *Sancho* their Fathers younger Brother, who was a great Warrier, and surnamed *El Bravo*, was admitted Prince, and they put by, in their Grandfathers life-time, by his and the States consent; and this was done at a Parliament held at *Segovia*, in the year 1276: And in the year 1284, (*Alonso* the ninth being dead) Don *Sancho* was acknowledg'd King, and the two Princes imprisoned; but at the Mediation of *Philip* the third, King of *France*, their Uncle, they were set free, and endowed with considerable Revenues in Land; and from them do descend the Dukes *de Medina Celi* at this day; and the present K. of *Spain* that is in possession, descendeth from Don *Sancho*.

In *France*, *Lewis* the fourth had two Sons, *Lothairin*, who succeeded him, and *Charles*, whom he made Duke of *Lorrain*. *Lothairin* dying, left an only Son named *Lewis*, who dying without Issue after he had raigned two years, the Crown was to have descended on his Uncle *Charles* Duke of *Lorrain*. But the States of *France* did exclude him, and chose *Hugo Capetus*, Earl of *Paris*, for their King; and in an Oration made by their Embassador to *Charles* of *Lorrain*, did give an account of their Reasons for so doing, as it is related by *Belforest*, a French Historian, in these very words:

Every man knoweth (Lord Charles) *that the Succession of the Crown and Kingdom of* France, *according to the ordinary Rights and Laws of the same, belongeth unto you, and not unto* Hugh Capet *now our King: But yet the same Laws which do give unto you such Right of Succession, do judge you also unworthy of the same; for that you have not endeavoured hitherto to frame your life according to the Prescript of those Laws, nor according to the use and custom of the Kingdom of* France; *but rather have allied your self with the* Germains, *our old Enemies, and have accustomed your self to their vile and base Manners. Wherefore since you have abandoned and forsaken the ancient Virtue, Amity, and Sweetness of your Country, your Country has also abandoned and forsaken you; for we have chosen* Hugh Capet *for our King, and have put you by, and this without any scruple in our Consciences at all; esteeming it far better, and more just, to live under* Hugh Capet, *the Possessor of the Crown, with enjoying the ancient use of our Laws, Customs, Priviledges, and Liberties, than under you the next Heir, by Bloud, in Oppression, strange Customs, and Cruelty. For as they who are to make a Voyage in a Ship on a dange-*

rous

rous Sea, do not ſo much reſpect whether the Pilot claims Title to the Ship or no, but rather whether he be skilful, valiant, and like to bring them in ſafety to their ways end; even ſo our principal care is to have a good Prince to lead and guide us happily in this way of Civil and Politick life; which is the end for which Princes are appointed. And with this Meſſage ended his Succeſſion and Life, he dying not long after in Priſon.

And now I ſhall come home, and give you an Inſtance or two in *England* ſince the Conqueſt, and ſo conclude.

William Rufus, ſecond Son of *William the Conqueror*, by the aſſiſtance of *Lanfrank* Arch-biſhop of *Canterbury*, who had a great opinion of his Virtue and Probity, was admitted King by the conſent of the Realm, his elder Brother *Robert* Duke of *Normandy* being then in the War at *Jeruſalem*. *William* dying, his younger Brother *Henry*, by his ingenuity and fair carriage, and by the aſſiſtance of *Henry* Earl of *Warwick*, who had greateſt intereſt in the Nobility; and *Maurice* Biſhop of *London*, a leading-man amongſt the Clergy, obtained alſo the Crown. And *Robert* Duke of *Normandy* was a ſecond time excluded. And though this King *Henry* could pretend no other Title to the Crown than the Election and Admiſſion of the Realm, yet he defended it ſo well, and God proſpered him with ſuch ſucceſs, that when his elder Brother *Robert* came to claim the Kingdom by force of Arms, he beat him in a Pitcht Battle, took him Priſoner, and ſo he died miſerably in Bonds.

King *Henry* had one only Daughter named *Maud*, or *Matilda*, who was married to the Emperor; and he dying without Iſſue, ſhe was afterwards married to *Geofrey Plantagenet* Earl of *Anjou* in *France*, by whom ſhe had a Son named *Henry*, whom his Grandfather declared Heir-apparent to the Crown in his life-time; yet after his death, *Henry* was excluded, and *Stephen* Earl of *Bulloine*, Son of *Adela*, Daughter of *William the Conqueror*, was by the States thought more fit to govern than Prince *Henry*, who was then but a Child. And this was done by the perſwaſion of *Henry* Biſhop of *Winchester*, and at the ſollicitation of the Abbot of *Glaſtenbury* and others, who thought they might do the ſame lawfully, and with a good conſcience, for the publick good of the Realm.

But

But the event did not prove so well as they intended: for this occasioned great Factions and Divisions in the Kingdom; for the quieting of which, there was a Parliament held at *Wallingford*, which passed a Law, That *Stephen* should be King only during his Life, and that Prince *Henry* and his Off-spring should succeed him; and by the same Law debarred *William* Son of King *Stephen* from inheriting the Crown, and only made him Earl of *Norfolk*.

Thus did the Parliament dispose of the Crown in those days, which was in the year 1153. which sufficiently proves what I have asserted.

The sum of all I have said, amounts to this: That Government in general is by the Law of Nature, and consequently the Ordinance of God; but that the different forms of Government, whether to reside in one, few, or many; or whether it shall be continued by Succession or by Election, together with the different measures and limitations of Power and Authority in Governours of the same kind in several Countries: all these things, I say, are ordained by, and purely depend upon positive and humane Laws. From whence it will necessarily follow, That the same humane Authority (residing in King, Lords, and Commons, here in *England*) which gave being to those Laws for the good of the Community, is superintendent over them, and both may and ought to make any addition to, or alteration of them, when the publick Good and Welfare of the Nation shall require it; unless you will admit, That an humane Authority, establishing any thing intentionally for the common good of the Society, which in tract of time, by reason of unforeseen circumstances and emergencies, proves destructive of it, has by that Act concluded it self, and made that accidental evil, moral and unchangeable; which to affirm, is senseless and repugnant.

AND

AND now, Sir, I hope by this time (said the old Gentleman) you begin to think that the Bill for disabling the Duke was not so unjust and unreasonable as was pretended; and that the course of Succession (being founded upon the same bottom with other Civil Constitutions) might likewise as justly have been altered by the King, Lords, and Commons, as any other Law or Custom whatever.

And here I might conclude: But because a late PENTIONARY Pen has publickly arraign'd the Wisdom, Loyalty, and Justice of the honourable House of Commons, on the account of this Bill, I will *ex abundanti* add a word or two more to that particular.

Whereupon he pluckt a Paper out of his Pocket, entituled, *Great and weighty Considerations relating to the Duke, and Successor of the Crown*, &c. Which as soon as he had read unto us, You see here (said he) the true temper of those men, of whom I first gave you caution: There never was an endeavour (though in a Legal and Parliamentary way) after any Reformation either in Church or State, but the Promoters of it were sure to be branded by them with the odious imputations of *Fanaticism* and *Faction:* Nay, if the Country-Electors of Parliament-men will not pitch upon such Rake-hells of the Nation as are usually proposed by them, but on the contrary make use of their Freedom and Consciences in chusing able, upright, and deserving persons; and if good men thus chosen do but (according to their Duty in the House) enquire into publick Grievances, pursue in a legal course notorious Offenders, and consult and advise the security of the Government and Protestant Religion, the high Church-man immediately swells, and in passion tells you, That all this proceeds from the old Phanatick-Leven, not yet worn out amongst the people: That we are going back again to Forty one; and acting over afresh the sins of our Forefathers.

Thus ignorantly do they complement the Times and Persons they endeavour to expose, by appropriating to them such Virtues as were common to good men in all Ages. But enough of this.

In the next place, pray observe how hypocritically the *CONSIDERER* puts this Question, *viz.*

Whether Protestant Religion was not setled in this Nation by the same mighty hand of God that establisht Jeroboam *in the Kingdom of* Israel? [And then adds,] *Whether we (like that wicked King) should so far despair of Gods Providence in preserving the work of his own hands, as never to think it safe, unless it be establisht on the Quick-sands of our own wicked Inventions?* [*viz.* the Bill against the Duke.]

And throughout his whole Discourse he frequently calls all Care of preserving our Religion, a Mistrust of God's Providence; and on that score calls out to the Nation, *O ye of little faith*, &c. Now I will allow him, That the least evil is not to be done, that the greatest and most important Good may ensue: But that the Bill for Disabling the Duke is highly justifiable both by the Laws of God, and Constitution of our Government, I think by my former Discourse I have left no room to doubt; and the *Considerer* having scarce attempted to prove the contrary, it's prepostorously done of him to give us his Use of Reproof, before he has clear'd his Doctrine.

However, I owe him many thanks for putting me in mind how Protestant Religion was first establisht here in *England:* It was indeed by the mighty hand of God influencing the Publick Councels of the Nation, so that all imaginable care was taken both by Prince and People, to rescue themselves from under the *Romish* Yoke; and accordingly most excellent Laws were made against the Usurpation and Tyranny of that Man of Sin. Our Noble Ancestors in those days did not palliate a want of zeal for their Religion with a lazy pretence of trusting in Gods Providence; but together with their Prayers to, and Affiance in Heaven, they joined the acts of their own Duty, without which, (they very well knew) they had no reason to expect a blessing from it.

But now be pleased to take notice of the Candor of this worthy *Considerer*; Nothing less will serve his turn, than the proving all the Voters for the Bill guilty of the highest Perjury: *For* (says he) *they have all sworn in the Oath of Allegiance to bear Faith and true Allegiance to His Majesty, His Heirs and Successors: But the Duke is Heir*, Ergo, *&c.* A very hopeful Argument indeed! But what

what if it ſhould happen (as it is neither impoſſible, nor very improbable to imagine it) that the next Heir to the Crown ſhould commit Treaſon, and conſpire the death of the preſent Poſſeſſor, and for this Treaſon ſhould not only be Attainted by Parliament, but Executed too; pray, Mr. *Conſiderer*, would the Parliament in this caſe be guilty of Murder and Perjury? I am confident you will not ſay it. If therefore the next Heir become obnoxious to the Government in a lower degree, why may not the ſame authority proportion the puniſhment, and leave him his Life, but debar him of the Succeſſion? This I ſay only to ſhew the abſurdity of his Argument.

My Anſwer is this: No man can bear Allegiance to two perſons at the ſame time; nor can Allegiance be ever due to a Subject; and therefore my obligation by the word [*Heir*] in the Oath, does not commence till ſuch Heir has a preſent Right to, or actual poſſeſſion of the Crown; which if he never attains, either by reaſon of death, or any other Act that incapacitates and bars him, then can my obligation to him by the word *Heir* in the Oath never have a beginning.

But beſides all this, it cannot be denyed but that Mr. *Conſiderer*'s Doctrine does bring great inconveniencies on Succeſſion; for the next Heir (by his way of arguing) is let looſe from all the Reſtrictions and Penalties of Humane Laws; and has no other tyes upon him not to ſnatch the Crown out of the hands of the Poſſeſſor, than purely thoſe of his own Conſcience; which is worthy Mr. *Conſiderer*'s higheſt conſideration.

I ſhall onely take notice of one Objection more, and then conclude, (fearing I have too much treſpaſſed on your patience already.)

It's very hard (ſays he) *that a man ſhould loſe his Inheritance, becauſe he is of this or that perſwaſion in matters of Religion.*

And truly Gentlemen, were the caſe only ſo, I ſhould be entirely of his mind. But alas! Popery (whatever Mr. *Conſiderer* is pleas'd to inſinuate) is not an harmleſs innocent perſwaſion of a number of men differing from others in matters relating to Chriſtian Religion; but is really and truly a different Religion from Chriſti-

F12471
D48

Christianity, if self. Nor is the Inheritance he there mentions an Inheritance onely of *Black Acre* and *White Acre*, without any Office annexed, which requires him to be *par Officio*: But the Government and Protection of several Nations, the making of War and Peace for them, the Preservation of their Religion, the disposal of publick Places and Revenues, the Execution of all Laws, together with many other things of the greatest importance, are in this case claimed by the word *Inheritance*; which if you consider, and at the same time reflect upon the enslaving and bloody Tenets of the Church of *Rome*, more particularly the Hellish and Damnable Conspiracy those of that Communion are now carrying on against our Lives, our Religion, and our Government; I am confident you will think it as proper for a Wolf to be a shepherd, as it is for a Papist to be the *Defender of our Faith*, &c.

The old Gentleman had no sooner ended his Discourse, but I returned him my hearty thanks, for the trouble he had been pleased to give himself on this occasion; and I could not but acknowledg he had given me great satisfaction in that affair; what it will give thee, *Charles*, I know not: I am sure I parted from him very melancholy, for having been a Fool so long. *Adieu.*

I am thy Affectionate,

J. D.

FINIS.